

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONICA WALSH,

Plaintiff,

NOT FOR PUBLICATION

-against-

MEMORANDUM & ORDER

MICHAEL J. ASTRUE,
Commissioner of Social Security,

10-CV-2250 (KAM)

Defendant.

X

MATSUMOTO, United States District Judge:

Pursuant to 42 U.S.C. § 405(g), plaintiff Monica Walsh ("plaintiff") appeals the final decision of defendant Commissioner of Social Security Michael Astrue ("defendant" or the "Commissioner"), who denied her July 6, 2007 application for Supplemental Security Income ("SSI").¹ Commissioner moves for remand pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3),² arguing that the Administrative Law Judge reviewing plaintiff's petition for SSI did not apply the correct legal standards, misread

¹ Individuals may seek judicial review in the United States district court for the judicial district in which they reside over any final decision of the Commissioner of Social Security rendered after a hearing to which they were a party, within sixty days after notice of such decision or within such further time as the Commissioner may allow. See 42 U.S.C. §§ 405(g) 1383(c)(3).

² "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g).

treatment notes, did not seek clarification from physicians, and did not cite evidence to support his finding that plaintiff had the residual functional capacity to perform light work, and because the medical expert did not review all of the medical evidence and relevant evidence was not obtained. Plaintiff did not file an opposition to the motion for remand or a cross motion for judgment on the pleadings, despite having an opportunity to do so and being represented by counsel. Upon a review of the Commissioner's submissions and the administrative record, and for the reasons stated in those submissions, the court grants the motion for remand to the Administrative Law Judge for further proceedings.

The Clerk of the Court is respectfully requested to close the case.

SO ORDERED.

Dated: May 11, 2011
Brooklyn, New York

/s/

KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York